

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ISAAC RUIZ

Plaintiff,

v.

JERRY KIMES *et al.*,

Defendants

Case No. C07-5273RBL/JKA

REQUEST FOR ADDITIONAL
BRIEFING

This action, brought pursuant to 42 U.S.C. 1983, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The plaintiff has been granted leave to proceed *in forma pauperis*. Before the court is defendant's unopposed summary judgment motion (Dkt. # 30).

As the court understands the facts, Mr. Ruiz was asked 54 questions in an assessment. Based on his answers he was granted 12 to 14 months of earned time or good time credits against his sentence. Later in his incarceration he was re-asked the 54 questions by his counselor. Mr. Ruiz claims he did not understand many of the questions because English is not his native language. Mr. Ruiz claims he asked for and was denied a Spanish interpreter. The counselor who re-asked the questions is not a named defendant in this action. Mr. Ruiz alleges that as a result of his answers the 12 to 14 months of good time or earned time was taken from him.

Plaintiff alleges he asked the two named defendants to allow him to again answer the 54 questions

1 with the aid of an interpreter. His initial request was denied and this action followed. Mr. Ruiz seeks no
2 monetary damages and instead asked only that he be granted the opportunity to again answer the
3 questions, this time with the aid of an interpreter. He also filed a motion for injunctive relief asking for the
4 same relief. While his motion was pending the Department of Corrections re-asked the questions and
5 provided an interpreter.

6 This motion for summary judgment followed and defendants argue the action should be dismissed
7 as plaintiff received Due Process. The motion does not address why Mr. Ruiz was re-asked the 54
8 questions in the first place. Nor does the motion address what, if any, opportunity Mr. Ruiz has to contest
9 the decision to take away the 12 to 14 months of time he claims had been granted him.

10 These two issues need to be addressed. The court requests counsel address these two issues by
11 **June 27, 2008**. Mr. Ruiz may reply by **July 4, 2008**. Defendants motion for summary judgment is re-
12 noted for **July 11, 2008**.

13 The Clerk is directed to send a copy of this Order to plaintiff and counsel and to re-note the
14 defendant's motion for summary judgment, (Dkt. # 30), for **July 11, 2008**.

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16 DATED this 22 day of May, 2008.

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18 /S/ J. Kelley Arnold
19 J. Kelley Arnold
20 United States Magistrate Judge
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